



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,721	03/30/2004	Jason S.C. Hou	MIC2.PAU.03	1442
23386	7590	09/07/2005	EXAMINER	
MYERS DAWES ANDRAS & SHERMAN, LLP 19900 MACARTHUR BLVD., SUITE 1150 IRVINE, CA 92612			CHENG, JOE H	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/812,721	<b>Applicant(s)</b> HOU, JASON S.C.	
	<b>Examiner</b> Joe H. Cheng	<b>Art Unit</b> 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,10,13-15,19,20,23 and 24 is/are rejected.
- 7) ☒ Claim(s) 2,3,6-9,11,12,16-18,21,22 and 25-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/30/04, 3/24/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because the reference number “700” for the sound system in Fig. 7 is missing. Correction is required. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as “Annotated Marked-up Drawings” and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

### ***Specification***

2. The disclosure is objected to because of the following informalities: The term “dedicated channel 220” on Pg. 7, line 14 should be recited as --dedicated channel 210--, so as clarify the confusion. Appropriate correction is required.

***Claim Objections***

3. Claim 9 is objected to because of the following informalities: The term “and/or” is vague and indefinite, because it is an alternate expression and is subject to more than one interpretation. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4, 5, 10, 13-15, 20, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Sone (U.S. Pat. No. 6,066,792). The broadly claimed structure can be interpreted as the music apparatus performing joint play of compatible songs of Sone. Fig. 1-9 of Sone broadly discloses the sound system or karaoke apparatus and method of playing a karaoke song comprising the generator device (151) for producing the accompaniment sound, the microphone (107) for collecting a singing voice which physically sung along the accompaniment sound and generating a vocal signal, a main channel comprising a mixer (106) that mixing the vocal signal (107, 108, 109, 106) and the accompaniment sound (105a, 105b, 106) to generate a mixed output signal, thereby effecting play of the karaoke song and a stereo amplifier (110) for amplifying the mixed output, and a vocal channel that receiving the vocal signal from the input device and generate a vocal output signal (107, 108, 110), separate from the mixed output signal, thereby effecting dedicated play of the singing voice along the karaoke song.

Art Unit: 3713

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sone (U.S. Pat. No. 6,066,792) in view of Sone et al (U.S. Pat. No. 6,066,792). It is noted that the teaching of Sone does not specifically disclose the second input device as required. However, Figs. 1-14 of Sone et al broadly discloses that such feature of the second input device (47b) that collects another singing voice and generates a second vocal signal, wherein the second vocal signal is provided to the vocal channel (47b, 48b, 42) is old and well known. Hence, it would have been obvious to one of ordinary skill in the art to modify the system/apparatus and method of Sone with the feature of the second input device as taught by Sone et al as both Sone and Sone et al are directed to the system/apparatus and method of playing a karaoke song, so as to provide the effecting dedicated output of the second singing voice along the song.

***Allowable Subject Matter***

Art Unit: 3713

8. Claims 2, 3, 6-9, 11, 12, 16-18, 21, 22 and 25-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Okamura et al (U.S. Pat. No. 5,235,124) - note Figs. 1A-9;

Okamura et al (U.S. Pat. No. 5,286,907) - note Figs. 1-19;

Nakai et al (U.S. Pat. No. 5,484,291) - note Figs. 1-11;

Kawashima et al (U.S. Pat. No. 5,518,408) - note Figs. 1-9;

Tubman et al (U.S. Pat. No. 5,569,038) - note Figs. 1-13;

Chaya et al (U.S. Pat. No. 5,611,693) - note Figs. 1-11;

Funahashi et al (U.S. Pat. No. 5,619,425) - note Figs. 1-10;

Tashiro et al (U.S. Pat. No. 5,654,516) - note Figs. 1-25;

Lee et al (U.S. Pat. No. 5,734,636) - note Figs. 1-5;

Yamamoto et al (U.S. Pat. No. 5,742,569) - note Figs. 1-12;

Matsumoto (U.S. Pat. No. 5,750,912) - note Figs. 1-15;

Takada et al (U.S. Pat. No. 5,796,913) - note Figs. 1-7;

Fujita (U.S. Pat. No. 5,827,990) - note Figs. 1-7;

Kato (U.S. Pat. No. 5,854,619) - note Figs. 1-8;

Takahashi et al (U.S. Pat. No. 6,259,015 B1) - note Figs. 1-13;

Wakamoto (U.S. Pub. No. 2001/0008753 A1) - note Figs. 1-12;

Art Unit: 3713

Yoshioka et al (U.S. Pub. No. 2001/0044721 A1) - note Figs. 1-9;

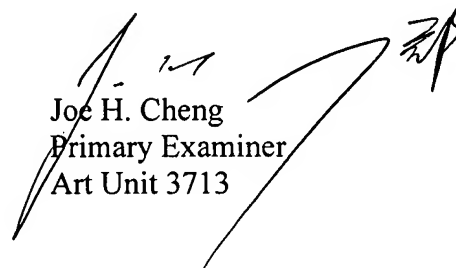
Kawashima et al (U.S. Pat. No. 6,836,761 B1) - note Figs. 1-22.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe H. Cheng whose telephone number is (571)272-4433. The examiner can normally be reached on Tue.- Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joe H. Cheng  
September 5, 2005

  
Joe H. Cheng  
Primary Examiner  
Art Unit 3713